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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/530,723 | 05/02/2000 | JAMES C. BEDINGFIELD SR. | 36968/171862 | 3234 |

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EXAMINER

AGDEPPA, HECTOR A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/530,723

Applicant(s)

BEDINGFIELD SR. ET AL.

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 8, the claim language suggests that it is a dependent claim.

However, it is written as an independent claim, and as such, in line 1 of claim 8, the limitation "the resold line" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat 6,205,214 (Culli et al.).

As to claims 1, 2, 9 – 14, 18, and 20, Culli et al. teach a local routing system and method wherein a local service provider uses resold lines/services to provide local

service to customers. (Col. 1, lines 36 – 44 and Col. 2, lines 23 – 30, Col. 3, lines 27 – 35, Col. 5, lines 25 – 55). Culli et al. also teach system operation as follows: A call from a switch, read as the claimed "switch" or "first network element" or service switching point (SSP) 31 read as the claimed "service switching point" or "second network element" is routed to SSP 34, wherein a trigger is provisioned to cause SSP 31 to query service control point (ISCP/SCP) 30 read as the claimed "service control point" or "third network element." SCP 30 receives the query and provides routing information and instructions to SSP 31 based on the resold line routing information, i.e., the local service provider's routing preferences, for connecting the call to SSP 34. The local service provider's routing preferences are defined/stored in local database of SCP 30, which identifies a location/route for completing the call. (Col. 2, lines 53 – 60, Col. 6, lines 15 – 33, 50 – 57, Col. 7, lines 31 – 45, Col. 8, lines 18 – 20, Col. 9, line 53 – Col. 10, line 29, Col. 11, line 21 – Col. 13, line 33, Col. 16, lines 28 – 32, Figs. 1, 2, and 7.)

Also note that Culli et al. teaches that both originating and terminating triggers are used. The above discussion applies to originating triggers. As to terminating triggers, a terminating SSP such as SSP 34 will suspend a call according to a billing trigger or when the call must be diverted to a telephone number other than the one called. (Col. 20, lines 17 – 63 and Col. 24, lines 35 – 41)

As to claims 3, 4, 17, and 19, see Col. 2, lines 31 – 42, Col. 7, lines 37 – 46, Col. 18, lines 63 – 65 wherein Culli et al. teach line class codes and tables for class of service identification and routing.

As to claim 5, see Col. 6, lines 12 – 22, Col. 9, line 53 – Col. 10, line 13, Col. 18, lines 61 – 65, Col. 19, lines 8 – 10, wherein Culli et al. teach the SSP gathering calling and called number for use in querying the SCP.

As to claims 6 and 21, see Col. 7, lines 1 – 6 wherein Culli et al. teach utilizing off hook delay triggers.

As to claims 7, 8, 15, 16, see Table 1 (Col. 10, lines 5 – 13), Col. 5, lines 16 – 28, Col. 7, lines 37 – 46, Col. 18, line 48 – Col. 19, line 20, Col. 23, line 50 – Col. 24, line 64 wherein Culli et al. teach routing calls to other carriers, other routing schemes depending on routing preferences and inherently an identifier for a competitive carrier would have to be used if routing was to be accomplished using a competitive carrier.

Response to Arguments

3. Applicant's arguments filed 11/17/03 have been fully considered but they are not persuasive.

As to applicant's argument (1) regarding the alleged missing SCP 31, see Col. 16, lines 25 – 65 of Culli et al. It states, "Referring now to Fig. 2 an exemplary network architecture for LRU with one LSP is described. The local STP 20 is connected to multiple end offices/**SSPs 31-34**, 36, 37..."

As to applicant's argument (2) regarding operation between SSP 31 and 34, examiner's statement regarding SSP 31 and 34 is only meant to indicate that a call is to be routed from SSP 31 to SSP 34. SSP 34 does not trigger anything in SSP 31. SSP 31, as in any standard AIN system, on it's own, reacts to a trigger, thus causing it to

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query SCP 30. Based on a response from SCP 30, SSP 31 will connect the call to SSP 34.

Applicant's argument (3) has been addressed in the above rejection.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.A.A.
March 2, 2004


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